

CITY OF MEDICINE HAT

Province of Alberta



BY-LAW No. 1007

**A BY-LAW OF THE CITY OF MEDICINE HAT
TO ZONE THE SAID CITY**

AND

BY-LAW No. 1014

**A BY-LAW TO AMEND THE
ZONING BY-LAW No. 1007 OF THE CITY OF
MEDICINE HAT**

February 1950



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GOVERNMENT OF THE PROVINCE OF ALBERTA

Department of Public Works



Edmonton, Alberta,
December 2nd, 1949.

In connection with the proposed By-law of the City of Medicine Hat, No. 1014, being a By-law to amend the Zoning By-law No. 1007, I hereby certify under the provisions of Section 24 of the Town Planning Act, R.S.A. 1942, that such amendment is not contrary to the fundamental principles of the scheme of the By-law or of The Town Planning Act of 1942, and involves no injustice to anyone concerned.

HON. D. B. MacMILLAN,

Minister of Public Works.

BY-LAW No. 1007



A By-law of the City of Medicine Hat to zone the said City.



WHEREAS it is expedient that the City of Medicine Hat be zoned.

AND WHEREAS a Town Planning Commission has been set up under and by virtue of the "Town Planning Act."

NOW THEREFORE THE MUNICIPAL CORPORATION OF THE CITY OF MEDICINE HAT in Council assembled enacts as follows:

1. In this By-law unless the context otherwise requires:

- (1) "Accessory Building" shall mean a building subordinate to the main building, the use of which is incidental to that of the main building, or subordinate to the use of the land; and not used for human habitation;
- (2) "Apartment House" shall mean any building, not being a lodging house or an hotel, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking within their apartment or flat, and shall include flats and apartments;
- (3) "Auto Camp" shall mean any lot, parcel of ground, or any area on which any building or buildings, cabin or cabins, or other structure, is erected or intended to be erected and to be used or occupied as a residence or habitation for the use, occupancy, shelter or enclosure of automobile tourists for temporary or transient purposes of residence;
- (4) "Basement" shall mean a habitable space between two floors, the lower floor of which is placed more than one foot, but less than five feet, below the grade of the adjoining ground. A basement shall not be counted as a storey in calculating the height of any building unless it is designed or used for purposes permitted in a business district or as living quarters for someone other than a janitor.

- (5) **"Boarding-house"** shall mean a building other than an hotel containing not more than fifteen sleeping rooms where meals for five or more persons are provided for compensation pursuant to previous arrangements or agreements;
- (6) **"Cellar"** shall mean a storey the floor of which is more than five feet below the average level of the adjoining ground. A cellar shall not be counted as a storey for the purpose of height measurement;
- (7) **"Closed fence"** shall be defined as one that has more than 50% of its area closed;
- (8) **"Corner site"** shall mean a site at the junction or intersection of two or more streets or of a street and a lane not less than twenty feet in width. Where a corner site has a width greater than sixty-six feet, the requirements applicable to a corner site shall apply to all that portion of of the site within sixty-six feet from the flanking street or lane, and the requirements applicable to an interior site shall apply to the remainder of such site;
- (9) **"Duplex Dwelling"** shall mean a building designed for use exclusively for two families or house-keeping units, each having separate accommodation with the exception that one heating plant may serve both sections of the building;
- (10) **"Front yard"** shall mean a yard extending across the full width of the site from the front line of the site to the front wall of the building, or any projecting portion of the building, excepting thereout and therefrom steps, sills, belt courses, cornices, eaves and fire-escapes;
- (11) **"Garage"** shall mean a building or land used for housing or care of self-propelled vehicles;
- (12) **"Group Houses"** shall mean a group of detached or semi-detached dwellings not more than two rooms in depth facing upon a place as hereinafter defined;
- (13) **"Half storey"** shall mean a storey under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such storey;

- (14) **"Height of buildings"** shall mean the vertical distance from the curb level to the highest point of the roof surface in a flat roof; the deck line of a mansard roof; and to the mean height level between the eaves and ridge of a gable, hip or gambrel roof. When a building is situated on ground above the curb level, such height shall be measured from the average elevation of the finished grade of the site along the front of the building. On through sites, one hundred and thirty-two feet or less in depth, the height regulations and basis of height measurements for the street permitting of the greater height shall apply for a depth of not more than one hundred and thirty-two feet from that street.
- (15) **"Hotel"** shall mean a building occupied as a more or less temporary abiding place of individuals who are lodged with or without meals and in which there are more than fifteen sleeping rooms usually occupied singly and with no provision for cooking in any individual room or apartment;
- (16) **"House-keeping unit"** shall mean two or more rooms used, or intended to be used together, as living quarters for not more than one family, and containing at least one living room, one kitchen or kitchenette and one bathroom, and equipped with not less than the following plumbing fixtures;
- (a) One water closet;
 - (b) One basin;
 - (c) One bathtub or shower;
 - (d) One sink.
- (17) **"Interior site"** shall mean a site other than a corner site;
- (18) **"Lane"** shall mean a public way which affords only a secondary means of access to a site, at the side or rear; and shall include alley;
- (19) **"Lodging House"** shall mean a building other than an apartment house, and containing not more than fifteen sleeping rooms, where lodging for five or more persons is provided for remuneration and with no provisions for cooking in any such sleeping room;

(20) "Multiple Dwelling" shall mean a dwelling designed for use by more than two families or housekeeping units, or to afford board or lodging or both to more than four guests for remuneration, and shall include an apartment house, boarding or lodging house;

(21) "Non-conforming use" shall mean a use of a building or land which does not conform with the prescribed regulations of the district in which it is situated;

(a) The lawful use of a building or premises existing at the time of the adoption of this By-law may be continued, although such use does not conform to the provisions hereof provided no structural alterations are made therein, except those required by law, or such as may be required for safety, or the erection to its full height, as originally planned of a building with foundations, and structural members defined to carry a higher building.

The extension or replacement of a non-conforming use, not exceeding 40% of the existing value of the premises based on the assessed value at the time of the passing of this by-law, may, subject to the approval of Council be permitted, provided such extension shall be only on property owned by the owner of said non-conforming use at the time of the passage of this By-law and immediately adjoining said non-conforming use.

(b) Whenever a Use District shall be hereafter changed any then existing non-conforming use in such changed district may be continued or changed to a use similar in character, provided all other regulations governing the new use are complied with. Whenever a non-conforming use shall be changed to a conforming use such premises shall not thereafter be changed to a non-conforming use.

(c) Any building remaining vacant for a continuous period of two years, shall not again be re-occupied except by a conforming use.

(d) The non-conforming use of a fractional part of a building shall not be extended to occupy a greater part of the building than that occupied at the time this By-law shall become effective, except that a non-conforming use may be extended within one year after the passing of this

By-law to that portion of a building which was arranged or designed for such non-conforming use at the time of the passage of this By-law.

- (22) **"One-family Dwelling"** shall mean a separate building designed for or occupied exclusively as a dwelling or house-keeping unit for one family;
- (23) **"Place,"** shall mean an open unoccupied space common to two or more sites permanently reserved as the principal means of access to such sites, and not being a street;
- (24) **"Plan"** shall mean the plan annexed to this By-law and marked Schedule "A" thereto.
- (25) **"Private Garage"** shall mean one with a capacity for housing not more than three automobiles and in which no space for trucks is rented, provided, however, that a private garage may exceed a three automobile capacity if the area of the site contains not less than 1,600 square feet for each automobile in which no business, service or industry connected with motor vehicles is carried on;
- (26) **"Public Garage"** shall mean a garage where automobiles and trucks are equipped for operation, repaired, kept for hire, dismantled or stored together with automobile and truck agencies and accessories pertaining thereto.
- (27) **"Rear Yard"** shall mean a yard extending across the full width of the site from the rear wall of the building to the rear line of the site; provided, however, that in computing the required depth of a rear yard which is bounded at the rear by a lane, one half of the width of the lane may be assumed to be part of the yard;
- (28) **"Room (housekeeping)"** shall mean a room rented or intended to be rented, which is provided with a sink and cooking appliances;
- (29) **"Row houses or terraces"** shall mean a group of attached dwellings fronting on a street or place;
- (30) **"Semi-detached Dwelling"** shall mean a building designed for use by two families or housekeeping units, side by side under one roof;

- (31) "Service Station" shall mean any building or land used or intended to be used for the retail sale of gasoline, oil greases and other inflammable liquids and the servicing of automobiles, excepting major overhauls, and the sale of automobiles or trucks, but providing tires, tubes and tire service together with the sale of automobile accessories;
- (32) "Side yard" shall mean a yard extending from the front wall of the building to the rear wall of the building and lying between the side line of the site and the side wall of the building;
- (33) "Site" shall mean an area of land having its principal frontage upon a public street or place, occupied, or intended to be occupied by one building and its accessory buildings and including such open spaces as are required under this By-law;
- (34) "Site Lines" shall mean the lines bounding a site;
- (35) "Stable" shall mean any building used, or intended to be used for the shelter of animals.
- (36) "Storage Garage" shall mean a garage, not being a private garage as herein defined, used exclusively for the storage of automobiles and trucks and in which no repair facilities are maintained;
- (37) "Storey" shall mean the portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling above it;
- (38) "Through Site" shall mean a site having a frontage on two parallel, or approximately parallel streets;
- (39) "Two-family Dwelling" shall mean any building divided into housekeeping units, which is occupied as the home or residence of two families living independently of one another and shall include a duplex dwelling and a semi-detached dwelling;
- (40) "Yard" shall mean a part of the site which is unoccupied and unobstructed by buildings or other structure from the ground upward, excepting thereout and therefrom the following:

(a) The ordinary projection of sills, belt courses, cornices and eaves, provided, however, that none of these shall project into a minimum side yard more than twenty-four inches,

(b) Fire-escapes;

(c) The ordinary projections of chimneys in side and rear yards only, provided, however, that no chimney shall project into a minimum side yard more than twenty-one inches,

(d) Accessory buildings not exceeding twelve feet nor one storey in height, occupying not more than 350 square feet in area or one third of the area of the rear yard.

2. Excepting only those areas shown colored green on the Plan which have been and are hereby set aside and reserved for parks, playgrounds or other public use, the whole area of the City of Medicine Hat shall be considered to be and is hereby divided and classified into districts as follows

(a) "Residential" districts being those portions of the said City not shown colored on the Plan attached thereto;

(b) "Commercial" districts being those portions of the said City shown colored yellow on the said Plan;

(c) "Industrial" districts being those portions of the said City shown colored grey on the said Plan

And the said Districts are hereby declared, established and defined as RESIDENTIAL, COMMERCIAL, INDUSTRIAL.

3. Annexed to this By-law and marked Schedule "A" thereto is a plan of the City of Medicine Hat in which areas are designated and marked by the followings colors:

Red, blue, green, orange, brown and purple

And the said Plan is hereby declared to be part of this By-law and any notations thereon shall be used for the purpose of interpreting the Plan of the By-law; and the boundaries of the districts shown on the plan shall be the boundaries of the zoned districts of this By-law.

4. No person shall erect, construct, locate, alter, reconstruct or maintain any building or locate or carry on any industry, business, trade, or calling, or use any land or building within any district, without complying with the provisions of this By-law applicable thereto
5. No person shall erect any building on any site in any area marked off in colors, of a square footage less than the square footage per unit indicated in the area so marked off For further certainty the areas shall be bounded by the following colors:
 - 600 square feet — Brown
 - 650 square feet — Orange
 - 720 square feet — Red
 - 800 square feet — Blue
 - 850 square feet — Purple
 - 900 square feet — Green
 - 1,400 square feet — Yellow
 - 2,000 square feet — Yellow(business area with black hachure)
6. Every building hereafter erected in the City of Medicine Hat shall be located on a site as herein defined and in no case shall there be more than one building on one site except as permitted by this By-law
7. In the City of Medicine Hat no person shall commence the excavation, erection, alteration, removal or enlargement of any building or addition thereto until he has obtained a building permit from the Building Inspector
8. In the Residence District, only the following buildings and uses of buildings and land are permitted
 - (a) One or two-family dwellings,
 - (b) Churches;
 - (c) Schools,
 - (d) Public, semi-public and public utility buildings,
 - (e) Golf courses, parks and playgrounds;
 - (f) Nurseries and greenhouses,
 - (g) Multiple dwellings, apartment buildings, lodging and boarding houses,
 - (h) Accessory buildings, not involving the conduct of any business, trade or calling unless such business, trade or calling is herein permitted.

9. In the Residence District:

- (1) A site area shall be provided of not less than five thousand square feet per family in the case of a one-family dwelling, provided that a one-family dwelling may be erected on a site of lesser area than 5,000 square feet but not less than 4,000 square feet where such site is a lot according to a registered plan of subdivision of record in the Land Titles Office at the time of enactment of this By-law and also provided that in the case of subdivisions containing lots less than 33 feet in width, no site shall consist of less than $1\frac{1}{2}$ lots.
- (2) Every site shall have a front yard of not less than twenty-five feet in depth, provided, however, that where the lots fronting on any street between two intersecting streets are occupied by buildings at the time of the enactment of this By-law to the extent of forty per cent or more of the total frontage (not including lots flanking on the street) no buildings shall hereafter be erected or structurally altered, so as to project beyond the average depth of the existing yards, and provided further no front yard need be greater than the average depth, nor greater than thirty feet, nor greater than the deeper front yard or adjoining sites, where both such adjoining sites are occupied by buildings.
- (3) Every site shall have a rear yard not less than twenty-five feet in depth.
- (4) A side yard shall be provided on each side of the building of not less than ten per cent of the width of the site, provided that the width of any side yard need not be greater than ten feet.
- (5) On a corner site the provisions of the next preceding subsection hereof shall apply to both sides of the building.
- (6) No building shall be erected or structurally altered upon a corner site so that any portion of the building shall be in front of a straight line joining points on the street lines ten feet from their intersection.
- (7) On any corner site no wall, fence or other structure, shall be erected to a greater height than four feet, and no hedge, shrub or other growth, shall be maintained in such location as to cause danger to traffic by obstructing the view.

- (8) A private garage, not constructed as part of the main building, must be situated not less than sixty feet from the street in front, and not less than five feet from any other street.
- (9) A private stable must be situated not less than sixty feet from the street in front and not less than forty feet from any dwelling
- (10) The height of a building other than a church, school, public, semi-public or public utility building, shall not exceed thirty-five feet and shall not be more than two and one-half storeys.
- (11) No bill boards or other signs are permitted except one church billboard not exceeding twelve square feet in area on any one site for church purposes, or one signboard appertaining to the sale or rent of real property on which it is situated provided it complies with the yard and building line requirements as if it were a building, and provided it is not more than six square feet in area.
- (12) The minimum requirements for rooms used for dwelling purposes shall be as follows:

Room	Minimum Cubic Dimension
(a) Kitchen	336 cubic feet
Living room	960 cubic feet
Bed room	600 cubic feet
Bath room	280 cubic feet

(b) There shall be at least one bedroom for each three persons in the family.

(c) The window area in any room shall be at least one-tenth of the floor area of the room.

(d) The minimum height of any room on the first storey shall be eight feet and on the second storey shall be eight feet over one half of the floor area.

(e) A privy, if not constructed as part of the main building shall be situated not less than 100 feet from any front street nor less than 50 feet from any dwelling and shall be enclosed in the front and sides, except for an entrance space not more than 30 inches in width, by a tight or latticed wall or by a hedge not less than six feet in height.

(13) Frame buildings

(a) Frame buildings shall have all exposed wall work painted

(b) The frame forming the outside walls shall be covered with

(1) One-inch board, paper and clap-boards, or shingles in lieu of clap-board, or

(a) One-inch board, then papered and strapped with one-inch by two-inch strapping, then lathed, plastered and roughcast or covered with stucco, provided that if metal lath is used the strapping may be one-half-inch by two-inch material, or

(b) One-inch boards, then papered and veneered with four inches of brick, such brick to be held in place with five inch nails driven into studs every fifth course in height, and not more than thirty-two inches apart in width. Veneering shall not rest upon, or be supported by wood lintels or beams.

(c) The foundations for frame buildings without cellars, may be cement piers twelve inches by twelve inches, or brick piers fourteen inches by thirteen inches, spaced at not more than eight feet on centres, and at least three and one-half feet below the grade line of earth, or concrete posts not less than eight inches in diameter, spaced at not more than eight feet on centres and extending below the frost line

(d) The sills for frame dwelling houses shall be of suitable dimensions, kind and quality for the various purposes for which they are intended. Where two beams are joined at the top of a post, they shall have suitable bearings and be joined longitudinally.

(e) In all frame buildings, joists, plates, studs at corners, angles and all openings shall be of double strength, except bottom plates which may be single

(f) No frame wall or partition, carrying loads other than its own weight shall be built of material of less size than two-by-four-inch studs, spaced not more than twenty-four inches on centres, the four-inch face running at right angles to the partition.

- (14) In all buildings used for one-family dwellings or two-family dwellings the lowest size of joist shall be at least two by eight inches, except attic floor joists which shall be not less than two inches by six inches, and all joists, rafters and other framework shall be spaced at not more than sixteen inches on centres.
- (15) The roofs on one-storey dwellings shall have double pitched roofs, providing that this section shall not apply to one-storey dwellings of five or more rooms constructed on what is generally known as "Spanish or California bungalow" type of architecture.
- (16) Rafters shall be spaced so as to carry adequately the load for which they are intended. Boards or shiplap shall be nailed on top of rafters, on top of which shall be laid tarpaper and shingles or other approved roofing materials.
- (17) Chimneys
- (a) Except as herein provided, all chimneys in every building hereafter erected, altered or rebuilt shall be constructed of brick, stone or reinforced concrete. No masonry chimney shall have walls less than six inches thick unless it be lined with flue lining in which case the walls shall not be less than four inches thick. No smoke flue shall have an inside measurement of less than eight inches in the clear. All chimneys shall be provided with a clean-out door at the base.
- (b) The back of any fire place shall not be less than nine inches in thickness.
- (c) No chimney in any building shall have wooden supports of any kind. Supports shall be incombustible and shall rest upon the ground or the foundation.
- (d) In all cases where a chimney is within twenty feet of the ridge, such chimney must extend at least 18 inches above the highest part of such ridge, but chimneys are to be built four feet above a flat roof.
- (e) No metallic chimney or smoke pipe shall pass through any combustible floor, roof, wall or partition except as follows:

(i) In a one-family dwelling a smoke pipe serving a stove and not exceeding seven inches in diameter may pass through not more than one floor or roof and shall be encased with four inches of solid masonry with an air space between the casing and the pipe or through a metal thimble composed of two concentric rings of sheet metal distant at least two inches from each other and so constructed as to permit free circulation of air between them and between the smoke pipe and the nearest ring. The thimble or masonry, as the case may be, shall extend through the full thickness of the floor and shall not be overlapped by any other construction or material.

(ii) In accessory buildings, a smoke pipe serving a stove and not exceeding seven inches in diameter may pass vertically through a combustible roof, provided that there is no combustible roof material or roof covering within seven and one-half inches of it. Such pipe may also pass through a combustible exterior wall of a one-storey accessory building at a point not less than 18 inches below the edge of the roof provided no combustible wall or roof material is within seven and one-half inches of it.

(f) Masonry chimneys, to be used for gas fuel only, if not over ten feet in height, need not be separately supported from the ground up, but any such chimney shall extend at least eighteen inches below the level of any ceiling through which it passes.

10. (1) In the Commercial District, only the following buildings and uses of land and buildings are permitted

(a) Those permitted in the Residence District, provided that if any site or building is used solely for dwelling purposes the provisions of Section 9 of this By-law shall apply

(b) Amusement parks, dance halls, skating rinks, concert halls, theatres, motion picture houses, billiard parlors.

(c) Private clubs, fraternities or lodges

(d) Banks, financial institutions, offices and retail stores.

(e) Billboards or advertising signs, provided no billboard shall be erected at a less distance than fifteen feet from the intersection of any street lines or than fifty feet from the limits of any railway right-of-way or from any building used as a dwelling.

(f) Carpentry, cabinet making, furniture or upholstery shops, electrician shop, metal working, tinsmith, plumbing, gas, steam or hot water fitting shops, paint and paper-hanger shops

(g) Hotels and restaurants.

(h) Public garage service or gas stations provided there be no entrance or exit for motor vehicles within two hundred feet of an entrance or exit of a fire hall, public or private school, playground, public library church, hospital, children's or old peoples' home or other similar public or semi-public institution.

(i) Any other businesses of like general character as the above uses.

(j) The storage of articles for sale in connection with the above uses, salesrooms and sample rooms.

(k) The manufacture or treatment of products clearly incidental to the conduct of a retail business conducted on the premises, but there shall be also permitted

Bakeries, candy, jam, confectionery or ice cream factories, dyeing and cleaning works, laundries or printing shops, if less than four thousand square feet of floor area are used.

(l) Municipal buildings and buildings for electric substations and telephone exchanges.

(m) Accessory buildings customarily incident to any of the above uses.

- (2) No front yard is required. A rear yard shall be provided of a minimum depth of fifteen feet measuring from the centre line of the lane, provided that if there be no lane, the depth of the rear yard need not exceed ten feet.

- (3) All buildings hereinafter to be constructed or re-constructed within the Commercial District shall have exterior walls, cornices and eaves faced with fire-proof material, excepting only the wall facing the lane, the type of construction of which shall be subject to such requirements as may be made by the Council of the City of Medicine Hat
 - (4) No service or gasoline station shall be located or erected so that any part of the service station or gas station building, pump, or other accessory shall be nearer than ten feet to the nearest line of an adjacent site upon which any residence is already located, nor nearer than 12 feet to any adjacent street, lane or roadway
11. In the Industrial District all buildings and uses of buildings and land are permitted except those in conflict with any law or by-law provided that no industry or use which may be of an objectionable or obnoxious character shall be permitted except in a location approved by the Council of the City of Medicine Hat
12. (1) No building shall be erected in any district until provision has been made to the satisfaction of the Council of the City of Medicine Hat for the supply to such building of light, water, sewerage, street and other facilities or any of them which the Council may deem necessary.
- (2) Where land is used for the erection or placing of any structure not being a building, the structure shall comply with the height, yard and building line requirements provided by this By-law as if such structure were a building.
- (3) Except where permitted by the City Engineer, it shall be unlawful hereafter for any person to erect, construct, alter or reconstruct any building in any Commercial District or Industrial District for use as a human habitation, or to use or occupy any land or building in a Commercial District or an Industrial District as a human habitation, which heretofore has not been so used or occupied.
13. The Council of the City of Medicine Hat may from time to time by by-law appoint a Building Inspector. The duties of such Building Inspector shall be to consider applications for permits to erect, alter, enlarge or remove any building, to consider the

use to which any land or building is to be put, to examine plans and file them for future reference, to issue permits where the requirements of this by-law have been complied with, to inspect all buildings, to keep a register of all applications for permits, plans received, permits issued, inspections made and notices issued, and to see that the provisions of this by-law are carried out and generally to do such things as by this by-law or by statute he is required to do, until such time as a Building Inspector is appointed the duties delegated to him under this by-law shall be carried out by the City Engineer

14. The Building Inspector shall have the power and authority, with the approval of the Council to modify the provisions contained in paragraphs 9 (13) (b) , 9 (13) (c) , 9 (13) (f) , and 9 (14) and 9 (17) relating to the regulation of construction, alteration or repair of buildings, upon the application to him in writing by the owner of such building, but so that the spirit of this by law shall be observed and public safety secured. No such modification shall be authorized by the Building Inspector unless approved by the Council, and the decision of the Building Inspector with the reasons therefor, shall be entered in the records of the Council.
15. Every person shall, with his application for a building permit, lodge with the Engineer of the City of Medicine Hat in duplicate, plans, section and details showing the use to which the building is to be put, dimensions and character of the proposed work together with a block plan and certified survey by an Alberta Land Surveyor if so required by the Building Inspector, showing the position and levels with reference to the nearest adjoining street, and also a description of the materials proposed to be used and the estimated cost of the building proposed to be constructed
16. In the case of minor work in which the information conveyed in the application for a permit is sufficiently complete, the filing of plans and descriptions may be waived at the discretion of the Building Inspector but no wall, structure, sign, billboard or gasoline pump shall be erected or altered without a permit.
17. A permit may be revoked by the Building Inspector should he subsequently find a material variation from the original plans and information submitted, without a new permit having been secured therefor.

18. If after the issuance of a permit the operations authorized thereunder be not commenced within six months, or if such operations be discontinued for a period of three months, such permit shall be null and void and the work to be carried out thereunder shall not be again commenced until a new permit shall have been issued as for original work.
19. (1) Whenever, in the opinion of the Council of the City of Medicine Hat, any building or structure or part thereof is by reason of its dilapidated state, faulty construction, or otherwise, in an unsafe condition as regards danger from fire or risk of accident, the Council may give to the owner of such building or structure notice in writing specifying wherein such unsafe condition exists and upon receipt of such notice, the said owner shall forthwith take such action to remedy the same as may be required by the Council.
- (2) When, in the opinion of the Council, any building or structure, or part thereof, is in such condition that immediate precautionary measures must be taken in order to avert an accident, the Council may pull down, repair or renew any such building or structure, or any part thereof, at the expense of the owner, whether or not notice has first been given such owner or his agent, and such expense may be recovered from such owner by action or may be recovered in like manner as municipal taxes.
20. (1) The Building Inspector and his assistants are hereby authorized to enter at all times upon any property subject to the provisions of this by-law in order to ascertain whether its provisions are being complied with. No person shall prevent or obstruct, or seek to prevent or obstruct, the entrance of the Building Inspector or any of his assistants as aforesaid.
- (2) When any building or structure or part thereof has been constructed or placed in contravention of this by-law, the Council, after giving two months' notice in writing to the owner, requiring the removal, demolition or alteration by him of such building or structure or part thereof, and mentioning the section or sections of the by-law contravened, may, if the owner has not complied with the notice, order the removal, demolition or alteration of the same, as the case may require. The work of removal, demolition

or alteration ordered by the Council shall be done at the expense of the owner, and the payment of such expense may be recovered from the owner by the City of Medicine Hat by action in any court of competent jurisdiction.

- (3) The said expense until paid by the owner shall form a charge and lien upon the real property whereon or wherefrom the said building or structure or part thereof has been pulled down, removed or altered.
- (4) If payment thereof is not enforced as aforesaid, the said expense may be collected with interest at a like rate and in the same manner and with the like remedies as ordinary taxes upon the lands or improvements may be collected by the City of Medicine Hat under its statutory and other powers.
- (5) This by-law may be enforced and the contravention of any regulations herein restrained by the Supreme Court of Alberta upon action brought by the City of Medicine Hat whether or not any penalty has been imposed for such contravention and it shall be unnecessary for the Crown or the Attorney-General or any other officer of the Crown to be a party to such action.

21 (1) Appeal shall lie from the decision of the Building Inspector to the Council of the City of Medicine Hat and from the said Council to the Provincial Town and Rural Planning Advisory Board.

(2) An appeal shall lie in the following cases:

(a) By any person who considers himself aggrieved by the administration of this by-law.

(b) By any person claiming that, owing to special circumstances, the literal enforcement of this by-law would result in unnecessary hardship.

(c) By any person desiring to erect, construct, locate, alter, reconstruct or maintain a building, or carry on a business for a limited period.

(3) There shall be no appeal to the Board to permit a use in a district in which such use is prohibited.

- (4) Every appeal shall be in writing and shall set out the grounds of the appeal, and shall be sent by registered mail or delivered personally to the City Clerk of the City of Medicine Hat or to the Director of Town Planning, Department of Public Works, Edmonton, within fifteen days from the date of the decision of the Building Inspector or the Council, as the case may be.
22. (1) Every person who violates any provision herein, or who suffers or permits any act or thing to be done in contravention or violation of any provision hereof, or who neglects or fails to do any act or thing herein required to be done shall be guilty of an infraction hereof and shall, on summary conviction thereof, before a Police Magistrate or any Justice of the Peace, be liable to a penalty not exceeding one hundred dollars and also the costs of the prosecution and in default forthwith to imprisonment in the common gaol for a period not exceeding thirty days with or without hard labour, unless such penalty and costs of the committal and conveyance to gaol be sooner paid.
- (2) The conviction of any person under the provisions of this section for failing to comply with any of the said requirements or obligations shall not operate as a bar to further prosecution under this section for the continued failure on the part of such person so to comply

READ the first time this 18th day of July, A.D. 1949.

HECTOR LANG, Mayor
W. A. KEITH, City Clerk.

READ a second time this 18th day of July, A.D. 1949.

HECTOR LANG, Mayor.
W. A. KEITH City Clerk.

READ the third time and finally passed in Open Council this 12th day of October, A.D. 1949.

HECTOR LANG, Mayor
W. A. KEITH City Clerk.

APPROVED this 2nd day of November, A.D. 1949.

HON. D. B. MacMILLAN,
Minister of Public Works.

BY-LAW No. 1014



A By-law of the City of Medicine Hat to amend By-law No. 1007 respecting zoning.



WHEREAS the City of Medicine Hat is zoned under By-law 1007, and

WHEREAS it is expedient to amend the said By-law, and

WHEREAS the said amendments are all of general application and no person residing in the City of Medicine Hat will be affected by the said amendments, and

WHEREAS The Honourable The Minister of Public Works has issued a certificate under the provisions of sub-section 24 (1) of the Town Planning Act, Cap. 169, R.S.A. 1942 as amended, dispensing with advertising the said amendments.

NOW THEREFORE THE MUNICIPAL CORPORATION OF THE CITY OF MEDICINE HAT in Council assembled enacts as follows:

1. That By-law No. 1007 be amended as follows

(a) By repealing sub-section 7 of Section 1 of the said By-law and substituting therefor the following sub-section:

"(7) 'Square footage' shall mean the total number of square feet covered by the ground floor of any building, erection or structure exclusive of any open porch, verandah or attached garage, or other accessory building or structure."

- (b) Section 1 of the said By-law by repealing sub-sections (a), (b), (c) and (d) of sub-section 21 of the said section.
- (c) By adding the following words immediately at the end of sub-section 8 of Section 9 of the said By-law:
"or lane."
- (d) By repealing the words "City Engineer" wherever they appear in Section 12 of the said By-law, and substituting therefor the words "City Council."



READ a first, second and third time and finally passed in Open Council this fifth day of December, A.D. 1949.

HECTOR LANG,
Mayor.

W. A. KEITH,
City Clerk.



APPROVED: This 23rd day of December, A.D. 1949.

HON. D. B. MacMILLAN,
Minister of Public Works.

